

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the matter of	)	
	)	
Amendment of Part 97 of the Commission's Rules	)	WT Docket No. 05-235
To implement WRC-03 Regulations applicable to	)	
Requirements for operator licenses in the	)	RM-10781, RM-10782, RM-10783,
Amateur Radio Service	)	RM-10784, RM-10785, RM-10786
	)	RM-10787, RM-10805, RM-10806,
	)	RM-10807, RM-10808, RM-10809,
	)	RM-10810, RM-10811, RM-10867,
	)	RM-10868, RM-10869, RM-10870

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Comment of Robert G. Rightsell, AE4FA

Introduction

I comment not only as just one of approximately 600,000 Amateur Radio licensees in the United States, but also as one who has significant experience in both the technical and operational aspects of radio communications.

I was first licensed in 1963 at the age of 13. During the intervening 42 years, there have been lapses in my licensure. I have achieved, in order, the Novice (1963), Novice (1971), Technician (1972), Advanced (1973), General (1994), and Amateur Extra (1995) class licenses. I am a long time member of the Amateur Radio Relay League (ARRL), the Columbia (SC) Amateur Radio Club, and the Palmetto (SC) Amateur Radio Club, and am a founding member and serve on the Board of Directors of the Society for the Preservation of Amateur Radio (SPAR).

Building equipment and accessories, both from scratch and from kits, is one way in which I gain pleasure from Amateur Radio. Others include restoring classic radio gear from the 1950s forward, operating QRP (low power stations with an output of between 1 and 5 watts) and QRPp (very low power stations with an output of less than 1 watt), participation in public service activities by providing communications for local events, contributing as needed to the Hurricane Watch Net, preparing technical projects for local club activities, mentoring newer Amateur Radio operators, and acting as local liaison for our ARRL affiliated Volunteer Examiner (VE) team.

I am active with nets on both the High Frequency (HF) and Very High Frequency (VHF) bands. Most frequently I am on the air using CW (Morse code), but also regularly use and enjoy Single Side Band (SSB), and various digital modes including PSK31, RTTY, SSTV, MFSK, and some of the WSJT VHF modes developed by Joe Taylor, W1JT. Occasionally, I use old-fashioned Amplitude Modulation (AM).

## Issues

There are several issues to be considered in evaluating whether the Commission should adopt the NPRM as written. Some of these are not apparent at first blush. I will address only 7.

1. Potential loss of reciprocal operating privileges;
2. Decreased efficiency in spectrum usage;
3. Devaluation of skill development among Amateur operators;
4. The proposal would leave no-code licensees ill-equipped to utilize their privileges;
5. Technician class licensees would lose privileges;
6. No claim of burden has been substantiated by documentation;
7. Lack of consensus among the U.S. Amateur Radio community.

## Discussion

1. U.S. citizens are among the most well traveled on earth. This is especially so among American Amateurs, some of whom travel outside the country for the sole purpose of Amateur Radio activity. Other U.S. Amateurs enjoy getting on the air while on business or pleasure trips to other nations. At present they are able to do so due to reciprocal licensing agreements.

Should the NPRM be adopted as written, U.S. Amateurs visiting any of the vast majority of nations would lose that privilege because the Commission has not proposed how it will certify that our licensees have passed a Morse code examination that all but a handful of countries still require. For this reason alone, the action proposed in 15-235 is not in the public interest

The United Kingdom, while having discontinued Morse testing as a license requirement, has found it necessary to continue providing code examinations in order for their Amateurs to benefit from reciprocal licensing agreements. As a result, the UK licensing authority has had to maintain two classes of license with identical privileges, the Intermediate and Full. The Full class license still requires Morse testing in order to satisfy reciprocal licensing agreements.

It appears the Commission will find itself in the same position as the UK in order to assure reciprocity. This would necessitate that the Commission maintain two classes of General and two classes of Extra, which would be far more cumbersome.

2. It is undeniable that, under the Commission's NPRM, the vast majority of licensees with new HF operating privileges will flock to SSB operations. A few will migrate toward digital modes. SSB signals, of course, occupy approximately 2.8KHz. Most digital modes take up between 200 and 500Hz, although a small few require less than 100Hz. CW signals generally range between 100 and 200Hz. Only the simplest mathematics are required to see that a large increase in Amateurs using wider bandwidth modes will result in severe overcrowding in band segments the ARRL contends are overcrowded now. The Commission has addressed this complaint in NPRM 04-140, which has yet to result in a final Report and Order.
3. Some contend that ending the Morse requirement will not adversely impact the continued use of CW "for those who enjoy it." This is, at the very best, a silly argument.

Virtually all of us were required to learn how to speak, read, and write at a very early age. Most of us were required to pass typing or keyboarding classes either in high school or as a prerequisite for some courses of university study. In other words, we were required to learn the basic operational skills necessary for use of the SSB and digital modes even prior to becoming interested in Amateur Radio. It would seem then, that those who support eliminating the Morse requirement are saying, basically, that one should need only his existing skill set plus the ability to memorize the answers to a few questions to become an Amateur Radio licensee.

One cannot develop an appreciation for any skill until he has become proficient in its use. Discontinuing Morse testing as a requirement for HF privileges will certainly result in fewer Amateurs who will learn it, just as the declining written examinations have resulted in more licensees who have not achieved even a marginal understanding of electronics. Many, if not most, of these simply refuse to learn anything that is not required, so the NPRM, if adopted as written will surely decrease the pool of individuals who possess the qualities envisioned in §97.1.

4. At present, candidates for Amateur licenses are tested on very basic electronic theory, Commission regulations, RF safety, basic antenna and propagation theory, and, with the exception of Technician candidates, on all of the most common modes in Amateur use. General and Extra licensees have privileges that include significant band segments in which CW is the predominant mode. CW is, after all, the second most predominant mode in use by Amateurs.

If this NPRM is approved, Morse code would become the only major operational mode that is not tested. Shall we then propose that eliminating testing on the other modes, as well?

Arguments contending that Morse testing should not be required because not all Amateurs use it are no less specious than if one were to contend that electronic theory testing should not be required because not all Amateurs build or repair equipment.

Technician licensees are already at a disadvantage if they are not at least semi-proficient with CW because they cannot glean VHF propagation information via the many beacons. Electronic code readers and computer programs are virtually useless for this purpose as beacons are often received as very weak signals. Propagation beacons are also used on the HF bands. The vast majority of these transmit using CW.

Under this NPRM, no-code General and Extra class licensees would be precluded from benefiting from the full range of their HF privileges. Those band segments in which CW is predominant, for them, might as well not exist.

5. At present, Technician class licensees have the opportunity to gain limited HF privileges by passing a test the Commission has described as only a minor obstacle. This NPRM would remove that opportunity, leaving a Technician licensee who has some small measure of skill with CW but who cannot pass the General class exam with no chance of gaining HF privileges.
6. The National Council of Volunteer Examiners (NCVEC) claimed Morse testing is an undue burden on the VECs. Some licensees seeking upgrades to General or Extra contend that having to pass a Morse exam is an undue burden on them. Neither has presented any documentation to substantiate those claims.

What, specifically, do the VECs do that is so burdensome? In 2000, following the last rules change, each of them issued their VE teams a CD with a variety of code tests. These were created and copied quickly and at little cost. No VEC has, to my knowledge, issued any new Morse tests in the 5 years since. Local VEs must copy the consumables (copy and question sheets) locally. When VECs receive exam session packages from their VE teams, it is only necessary for them to glance to see whether an individual candidate passed or failed any element, including Element 1.

I would suggest to any VEC that finds this to be an overwhelming burden that they simply get out of the business. Using the claim of burden in this context is clearly nothing more than a ruse.

As for candidates seeking General or Extra class licenses claiming undue burden, I must suggest that they find another avocation. I would not be surprised that, if this NPRM is approved, the next few years will see claims that our written examinations are too much of a burden. Amateur Radio is for those who enjoy learning and skill development. HF privileges (under §47-CFR-95) are already available for those who have no interest in preparing themselves to take on the role described in §97.1.

Thousands upon thousands of men, women, and children, many with disabilities, have demonstrated that the Morse examination requirement is no burden. Every week, candidates at VE test sessions across the country continue to take and pass Morse exams.

7. Historically, the Commission has relied on the Amateur community to reach consensus prior to undertaking significant action that would affect us all. There is certainly no consensus on this NPRM. In reviewing the more than 3,000 comments filed so far, one finds that the split is nearly even with (at this writing) a slight majority favoring the retention of Morse testing for either General and Extra or just Extra licensing.

Further, it appears that the overwhelming majority of Amateurs (and a significant number of their non-Amateur family members) who favor the NPRM are those who would directly benefit from it. No small number of these have filed multiple copies of the same basic comment.

This lack of consensus should be taken quite seriously. It is very clear that the Amateur community is not prepared for the drastic and sweeping action the Commission has proposed.

Further, the comments filed so far demonstrate that the majority of those opposed to the NPRM are the ones who possess the most knowledge of and experience with Amateur Radio and have contributed the most to it. Similarly, the comments show that the majority of those who support this proposal have the least knowledge of and experience with Amateur Radio. As noted above many comments have been filed under the names of non-Amateur family members of Technicians who want the changes to occur solely because they stand to directly benefit.

### Summary

This NPRM, if adopted, will be detrimental to the Amateur Radio Service as well as most individual Amateur licensees and runs contrary to the public interest. As a well-rounded and widely experienced Amateur Radio operator, I implore the Commission to abandon the actions proposed in NPRM 05-235.

Sincerely,

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*Submitted via ECFS*